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BEFORE THE ARIZONA CORPORATION COMMISSION

MIKE GLEASON
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Commissioner

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Commissioner

KRISTIN K. MAYES
Commissioner

GARY PIERCE
Commissioner

Arizona Corporation Commission
DOCKETED

FEB 12 2008

DOCKETED BY *MM*

IN THE MATTER OF THE JOINT NOTICE
OF INTENT OF VERIZON
COMMUNICATIONS, INC., AND MCI,
INC., ON BEHALF OF ITS REGULATED
SUBSIDIARIES


DOCKET NOS: T-01846B-05-0279
T-03258A-05-0279
T-03475A-05-0279
T-03289A-05-0279
T-03198A-05-0279
T-03574A-05-0279
T-02431A-05-0279
T-03197A-05-0279
T-02533A-05-0279
T-03394A-05-0279
T-03291A-05-0279

NOTICE OF COMPLIANCE FILING

This notice is filed pursuant to Decision No. 68348, which required the filing of "all petitions and/or comments filed at the FCC or with Congress which seek preemption of state regulation." On January 28, 2008, Verizon filed comments with the Federal Communications Commission in the matter of the Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 02-278. A copy of the filing is attached.

1 RESPECTFULLY SUBMITTED this 12th day of February, 2008.

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4 By:


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11 ORIGINAL and thirteen (13)
12 copies of the foregoing filed this
13 12th day of February, 2008, with:

14 Arizona Corporation Commission
15 Docket Control – Utilities Division
16 1200 W. Washington Street
Phoenix, Arizona 85007

17 COPY of the foregoing hand-delivered
18 this 12th day of February, 2008, to:

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22 1200 W. Washington Street
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13 COPY of the foregoing mailed this
14 12th day of February, 2008, to:

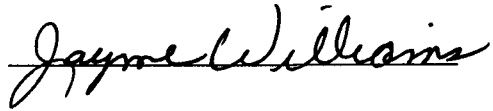
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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of
Rules and Regulations Implementing the
Telephone Consumer Protection Act of 1991

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CG Docket No. 02-278

REPLY COMMENTS OF VERIZON¹

Verizon does not oppose the Commission's effort to extend customers' registrations on the National Do-Not-Call Registry beyond the current five-year registration period as long as sufficient efforts are made to ensure the accuracy of the Registry. Verizon recognizes the benefits of eliminating customer confusion about the need to re-register in order to avoid receiving unwelcome telemarketing calls.²

At the same time, the Commission should provide clarity to telemarketers which currently encounter a patchwork of complicated state laws that regulate interstate marketing calls. The Commission has already found that "it was the clear intent of Congress generally to promote a uniform regulatory scheme under which telemarketers would not be subject to multiple, conflicting regulations."³ As such, Verizon supports the Direct Marketing

¹ The Verizon companies participating in this filing ("Verizon") are the regulated, wholly owned subsidiaries of Verizon Communications Inc.

² The telemarketing calls at issue are only those calls to landline numbers. The Telephone Consumer Protection Act prohibits telemarketers from using automated dialers, which are standard in the telemarketing industry, to call cell phone numbers without customer consent. *See* 47 U.S.C. § 227(b)(1)(A)(iii).

³ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, 18 FCC 14014, ¶ 83 (2003) ("TCPA Order").

Association's request that the Commission resolve the numerous petitions for declaratory rulings that the Telephone Consumer Protection Act preempts state laws as applied to interstate calls.⁴

The burdens on telemarketers from individual state laws have been well-documented in this docket. For example, New Jersey's telemarketing law, which purportedly governs interstate calls,⁵ significantly limits the established business relationship exception set forth in the federal rules, which allows companies to make calls to customers who purchased a product or service from, or entered into a transaction with, the seller within 18 months before the call. The New Jersey statute only permits calls to *current* customers, except in very narrow circumstances,⁶ and those calls are "limited to the provision of continuing services and [may] not relate to expanded services, upgrades, products or other services unless directly related to the particular service or services previously provided."⁷ Moreover, New Jersey limits the ability of companies to hire third-party vendors to make solicitations by prohibiting calls from that vendor on behalf of *any* company if a customer asked the vendor not to contact them.⁸ This statute leads to both inefficiencies on the marketing side as well as undue constraints on the ability of consumers to learn about new services and offers from companies with whom they had recently done business.

Because a number of states have laws purporting to regulate interstate telemarketing that are inconsistent with the Commission's rules, the Commission should rule on the outstanding

⁴ See Comments of Direct Marketing Association (Jan. 14, 2008) at 3.

⁵ See N.J. Admin. Code § 13:45D-1.2.

⁶ See N.J. Admin. Code § 13:45D-1.3 (defining "established business customer" to mean "a customer for whom a seller has previously provided continuing services where the relationship has not been affirmatively or constructively terminated").

⁷ N.J. Admin. Code § 13:45D-4.4.

⁸ See N.J. Admin. Code § 13:45D-3.9(b).

preemption petitions to provide the "uniform regulatory scheme" to govern interstate telemarketing that Congress intended.⁹

Respectfully submitted,

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Dated: January 28, 2008

⁹ Verizon disagrees with the proposal of the National Association of State Utility Consumer Advocates (NASUCA) to eliminate the five-year limitation on honoring company-specific do-not-call requests. Because the NPRM fails to seek comment on company-specific do-not-call lists, the Commission could not adopt the rule proffered by NASUCA without violating the Administrative Procedure Act's notice requirement. *See* 5 U.S.C. § 553(b)(3). In any event, consumers may well benefit from the expiration of their registrations on company-specific do-not-call lists. Some customers prefer to choose the particular companies from which they do not want telemarketing rather than exclude all telemarketing by registering on the National Do-Not-Call list. These customers' decisions to avoid telemarketing from a particular company are by no means fixed as companies' reputations and product and service offerings can change dramatically in a five-year period. Thus, these same individuals may highly value receiving information about new service offerings and pricing promotions, and if not, can easily request that their names be re-added to the company-specific list.